IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.1233 OF 2005

IN

FIRST APPEAL NO. 514 OF 2003

Bhagwan Mahadeo Parab .. Applicant

vs.

Namdeo D. Naik & Ors. .. Respondents.

Mr.S.M.Railkar for the Applicant.
Mr. Rajiv Patil for the Respondents.

CORAM : Smt.Ranjana P. Desai, J.

DATED : 28th April, 2005.

P.C. :

1. The appellant in the first appeal has filed this civil application praying that pending hearing and final disposal of this first appeal the respondents themselves, their heirs, executors or any persons claming through them or on their behalf be restrained by an order of injunction from disturbing the possession of the applicant.

2. I have heard the learned counsel for the parties. The learned counsel for the appellant stated that the respondents are disturbing the posession of the appellants. According to him the

respondents sons come home drunk and harrass the appellants and therefore this application is filed. Mr. Patil, the counsel for the respondents has denied the allegations. He has drawn my attention to the judgment of the trial court and has pointed out that the trial court has held that the defendant is in illegal occupation of the rear portion of the suit premises. He submitted that there is no substance in the civil application and the same may be rejected.

3. In my opinion, since this appeal is admitted and is subjudice in this court the parties are expected to keep peace during the pendency of this first appeal.

4. Parties should not disturb each others possession. Civil application is disposed of.

5. Parties to act on the authenticated copy of this order.

Judge.